

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, November 26, 2003, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Steve Duvall, Gerry Krieser, Roger Larson, Dan Marvin, Cecil Steward, Mary Bills-Strand and Tommy Taylor; Marvin Krout, Ray Hill, Mike DeKalb, Tom Cajka, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Cecil Steward called the meeting to order and requested a motion approving the minutes for the regular meeting held November 12, 2003. Motion for approval made by Marvin, seconded by Larson and carried 8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 26, 2003

Members present: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3426, CHANGE OF ZONE NO. 3427, SPECIAL PERMIT NO. 1826A, SPECIAL PERMIT NO. 2026, SPECIAL PERMIT NO. 2042, USE PERMIT NO. 142A AND SPECIAL PERMIT NO. 2040.**

Bills-Strand moved to approve the Consent Agenda, seconded by Larson and carried 8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 2026, Use Permit No. 142A and Special Permit No. 2040, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

CHANGE OF ZONE NO. 3429,
FROM R-4 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION DISTRICT;
and
SPECIAL PERMIT NO. 1713B, an amendment
to the ASPEN 3RD ADDITION COMMUNITY UNIT PLAN;
and
USE PERMIT NO. 155,
ON PROPERTY GENERALLY LOCATED
AT S. 56TH STREET AND PINE LAKE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 26, 2003

Members present: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward.

Planning staff recommendation: Deferral until December 10, 2003, due to an error in advertising.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted a letter from the applicant requesting to defer their formal presentation until the next meeting.

Cajka also submitted a letter in support from Bill and Jan Norris on behalf of the Aspen development neighbors.

Bills-Strand moved deferral, with continued public hearing and administrative action scheduled for December 10, 2003, seconded by Taylor and carried 8-0: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward voting 'yes'.

CHANGE OF ZONE NO. 3430,
FROM R-3 RESIDENTIAL AND B-2 PLANNED NEIGHBORHOOD
BUSINESS TO B-5 PLANNED REGIONAL BUSINESS,
and
USE PERMIT NO. 57D,
TO ALLOW A SIX-SCREEN THEATER,
ON PROPERTY GENERALLY LOCATED AT
N. 27TH STREET AND FOLKWAYS BOULEVARD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 26, 2003

Members present: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward.

Planning staff recommendation: Deferral until December 10, 2003, to be heard with an associated special permit for the theaters.

Ex Parte Communications: None.

Taylor moved to defer, with continued public hearing and administrative action scheduled for December 10, 2003, seconded by Bills-Strand and carried 8-0: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward voting 'yes'.

There was no public testimony.

**USE PERMIT NO. 106A (TALENT PLUS),
TO INCREASE THE BOUNDARY AREA,
RELOCATE ACCESS, ADD A SIGN, AND REDUCE
THE PARKING REQUIREMENT,
ON PROPERTY GENERALLY LOCATED
AT S. 65TH STREET AND PIONEERS BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 26, 2003

Members present: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward.

Planning staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Talent Plus**, the owner of the property, and requested that this matter be placed on pending for six weeks. Talent Plus has requested to revise the application to show the entrance roadway as a private roadway and it will be necessary to make some small modifications to the application to designate it as a private roadway and change the address of this corporate headquarters. The purpose of this application is to reduce the amount of hard surface on this site because this is very low intensity use of this building, while at the same time providing for future expansion of parking if there is a change in use. The applicant has no objections to any of the conditions of approval.

Larson moved to defer, with continued public hearing and administrative action scheduled for January 7, 2004, seconded by Bills-Strand and carried 8-0: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward voting 'yes'.

Opposition

1. **Terry Adair**, 4200 Ridgeview Drive, three houses down from the Talent Plus property to the east, testified, stating that the neighbors have no objection to the change in plans as far as the road and signage. The reduction in parking is not a terrible concern other than the way they are reducing it. They have 140 stalls reduced to 65. The stalls maintained are the ones that abut the residential property. The neighbors believe that this would be an ideal time to lower the impact on the neighborhood by eliminating the parking stalls that abut the residential area.

Steward inquired whether the neighbors have been engaged with or by the owners of the property in discussions. Adair indicated that they had not been contacted by the developer on this particular application. Early on during the permit process, the neighbors were informed but they have not had any further discussions for a long time.

With this lengthy deferral, Steward recommended that Mr. Adair attempt to get together with the applicant to work out their concerns.

2. **Richard Hain**, 4151 Ridgeview Drive, one house from the business, testified and agreed with Mr. Adair. The parking issue appears to be the major concern of the neighbors because it is directly along the property line, and the parking directly abuts his neighbor's house to the west. This is a concern since there appears to be a sufficient amount of other space on the property for the parking.

SPECIAL PERMIT NO. 1598A,
AN AMENDMENT TO THE NORTHERN
LIGHTS COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT N. 84TH STREET AND HOLDREGE STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 26, 2003

Members present: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward.

Planning staff recommendation: Conditional approval.

Ex Parte Communications: None.

Ray Hill of Planning staff submitted a letter from Lynn Johnson, the Director of Parks & Recreation, requesting that a condition be added regarding the requirement for the trail that goes through this project:

The applicant shall identify and reserve a twenty-foot (20') wide public access easement for future development of a commuter recreation trail in the event that North 84th Street is widened and there is not adequate area with the right-of-way to accommodate a trail adjacent to the roadway in compliance with the design standards for arterial streets. The alignment of the pedestrian access easement shall be generally parallel to the existing tree mass, in a location mutually acceptable to the owner and the Parks and Recreation Director. The trail easement shall be graded in conjunction with the adjoining townhouse development in a manner to allow for future construction of a commuter/recreation trail meeting Americans with Disabilities Act (ADA) guidelines.

Proponents

1. Brian Carstens appeared on behalf of the **Cameron Corporation**. This is a townhome project on a site previously approved for 360 apartments. This amendment proposes 156 dwelling units. Carstens agreed with all conditions of approval, including the additional condition requested by the Parks Department.

With regard to the staff recommendation to deny the waiver of the drive platform standards, Carstens indicated that the applicant has been working with Public Works and would like to receive approval of that waiver, subject to final design approval by Public Works & Utilities.

Marvin inquired as to the price range of the homes. Carstens indicated that they would be the same type as those located at about 91st & Pine Lake Road, which are in the \$123,000-\$125,000 range.

There was no testimony in opposition.

Carlson asked staff to respond to the drive platform standard waiver request. Dennis Bartels of Public Works believes that what they have been discussing with the applicant still requires a waiver, but he believes there is opportunity for them to work with the applicant to get closer to the design standard. The main problem is meeting the requirement for 3% or flatter platform as it approaches the intersection at both ends. As now shown on the site plan, it is a 7% platform. Bartels believes they can reach agreement on a platform, although it may still be shorter than the design standards. Therefore, Bartels would agree to approval of the waiver, subject to a final design acceptable to Public Works.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 26, 2003

Larson moved to approve the staff recommendation of conditional approval, with amendments, adding the Parks Department condition and approving the drive platform waiver, subject to approval by Public Works & Utilities, seconded by Bills-Strand, and carried 8-0: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward voting 'yes'.

ITEMS NOT APPEARING ON THE AGENDA

November 26, 2003

Members present: Krieser, Duvall, Bills-Strand, Marvin, Carlson, Taylor, Larson and Steward.

Prior to adjournment, Commissioner Cecil Steward read a prepared statement into the record entitled, ***"Planning: Comedy, tragedy, or shared vision"***, attached hereto as Exhibit "A" and incorporated herein by reference, which statement contained his official resignation from the chair position and from membership on the Lincoln/Lancaster County Planning Commission, effective November 26, 2003.

Bills-Strand commented that when the Commissioners voted Steward to be chair, they sent a message that they respected Steward's opinions highly. She stated that she has learned more from Steward than any other commissioner. "It is a real loss to not have you with us." Larson believes this to be a terrible loss to the Commission. Steward has been the guiding light and the voice of reason and knowledge, particularly to people he has met who have not been experienced in planning or development.

Taylor stated that there have been times when he has disagreed with Steward, but he will be sorely missed. He has been a shining example and helped to give the newer Commissioners direction. "If somehow this could be turned around, it would be a benefit to the city and our Planning Commission."

There being no further business, the meeting was adjourned at 1:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on December 10, 2003.

Wednesday, November 26, 2003

For immediate release

Planning: Comedy, tragedy, or shared vision?

The City of Lincoln and the County of Lancaster, Nebraska

For the first time in the history of the City of Lincoln, the County Commission and the City Council have reached exactly opposite conclusions on three of the Mayor's nominees to the Lincoln/Lancaster County Planning Commission. The standoff and resulting stalemate between the Commissioners and the Council members would be laughable, as juvenile civic theater, if it were not fraught with such serious consequence for our community, the lives of our children and their descendants in the future.

The County Commission has used "coded" political rhetoric and obtuse sound bites about "neighborhood vs county" and "environmental vs economic development" to describe their displeasure with two of the three candidates. Others have blamed this round of disagreements on the fact that there were accusations over an earlier African American female nominee who was turned down amidst claims of "gender and ethnic discrimination". Cries of party politics have appeared in the press. Do not be deceived, citizens of Lincoln, this is not just a backyard squabble among politicians with damaged feelings; it is far more serious, with many more longer-term consequences than these turf-based, discriminatory behaviors!

These appointment battles are the first public skirmishes in the surfacing of a power struggle to: a) diminish the power of the urbanizing city government, in favor of a less constrained, more free-market county-wide economy; and b) impugn and negate the value of the comprehensive plan as a guiding set of principles for the development of the city and county in future years.

Until now, the skirmishes have been played out rationally, in the public arena, one-by-one, over individual project proposals and applications, and the power struggle, as

separate ideology, has been contained as an undercurrent, mostly below the public's information sources or awareness, and, mostly resulting in agreements and compromises which have long-term benefits to the residents of the city.

Why do I suggest that this piece of civic theater is of any significant consequence?

Because the evidence of loss of core values is there in other rapid-growth communities, and Lincoln does not have to suffer through the same uninformed, self-centered mistakes of other communities' politicians. Lincoln's history and culture, until now, has been more about maintaining and sustaining a healthy, wholesome, quality of life than about unlimited, free-ranging economic development.

The population of Lancaster County is estimated to be approximately 257,000 persons. It is not unusual for urbanizing areas which reach a 250,000 population mark to try to accelerate their pace and rush to reach a 500,000 milestone. If some growth is good, a lot more would be better, right? Well, maybe, depending upon what you do, how you do it, and what you gain, and what you sacrifice for the growth. Many urban examples can be exhibited in the U.S. where such leaps for "economic development" and rapid growth have resulted in unsustainable environments, increased tax burdens, and loss of community quality of life for the residents.

I have a unique perspective on planning within the southeast Nebraska/western Iowa region due to the administration of a Nebraska Environmental Trust grant, on regional growth management, through the Joslyn Castle Institute for Sustainable Communities. We have compared every existing comprehensive plan for sixteen counties, three metropolitan communities, including Omaha, Lincoln and Council Bluffs, and fourteen smaller communities in the region. There is no comprehensive plan in the region, or the state I suspect, that is as well balanced, as definitive in its intent to provide for sustainable, diverse lifestyles, institutions and economic opportunities, and is as respectful of the earth and its natural systems throughout the County.

This current comprehensive plan has not suddenly appeared out of abstract cloth, nor from a sudden shift of power forces -- it has resulted from years of concerned public and civic leadership, through much public debate and careful administration in an evolutionary fashion, from one experiment and principle of healthy, stable, growth management to another, as the city has grown, changed, and evolved from a town, to city, to a key part of an important Midwestern metropolitan region.

But, I can also tell you that our studies have revealed how important the incremental, disconnected, low density land-use policies become when scattered acreage developments and roadway commercial strips are allowed, unchecked, to consume the rural landscape. At the current pace and density of development Douglas and Sarpy counties will have no more vacant land for new development beyond the year 2025. Development will have reached the edges of all the county borders -- not to mention the loss of civic qualities of life, and the increased financial burden on the City of Omaha for services and infrastructure within the region of sprawl. In this environment, can you imagine the pressures that will begin to mount (and are already evident) for the uncontrolled development of the Interstate corridor and the Platte River Valley between Lincoln and Omaha?

Lincoln is fortunate to be located in the largest county in the region, and to be located at the geographic center, with a series of satellite communities ringing it -- there are great choices for homes and businesses in this county, and an abundance of land for a variety of uses. But, there are also unique environmental resources of irreplaceable historic, recreational, aesthetic, and hazard-mitigating systems that must be protected, not to mention the long-term value of maintaining agricultural options for support of the region's food systems. This current L/LC comprehensive plan does a better job than any others in striking these balances, and if followed to its best conclusions, as policy and practices, Lincoln may well turn out to be THE KEY CITY in this region in the next fifty years, rather than Omaha.

For all of its environmental, social, and economic attributes, the most distinctive, useful condition of the plan is a procedural one. The requirement for an annual, concurrent review of the Capital Improvements Program budget and the Comprehensive Plan will be of enormous benefit to the public interest over the coming years. The 2003 Comp Plan calls for an annual review of the CIP to determine its congruence and support of the plan and its intent to provide for the necessary future infrastructure of the growing city. As we have seen in this first year of the new plan, with its growth projections, there is a gap between our economic development desires and our ability as a community to finance the necessary infrastructure. For the first time in memory the public has been given realistic cost information about the expansive desires of a new plan, the scope of which has largely been driven by the development community. The harsh truth is now dawning that we must either find new resources of revenue for this projected growth (unless we wish to mortgage our descendants' futures), or, we must reduce our aspirations and expectations for growth!!

As long as this condition for open information about good, balanced planning, along with realistic budgeting of the cost of plans, is maintained in the public domain, then the city and county leaders of public policy should be fully accountable to the public and our opinions about shared visions for the future. The planning/budgeting system breaks down, and the future of the whole community suffers when individuals and groups, or single interest organizations, try to subvert the system to benefit narrow interests for personal or privileged economic and/or political gain. This is exactly what the County Commissioners, through the behavior of at least two of the commissioners, are attempting to do by holding the city government nominees hostage until persons can be seated who will, in automaton fashion support their particular interests.

The entire process, beginning with the Mayor's office, for naming commissioners to the Planning Commission is flawed and needs repair. At some point in history it became the practice to seek representatives, one-by-one with particular business, professional, or domestic biases. The litmus test for the approving bodies, i.e., the City Council and the County Commissioners, has become, "Send us this, or that type nomination, because we

currently have too many (or too few) 'business persons', and not enough 'environmentalists', 'designers', 'neighborhood advocates', ethnic balance, women, men, teachers, industrialists, bankers, university staff, farmers, acreage dwellers, etc, etc,,,,," ; the point? The point is that on any given appointment any person can be opposed for any hidden agenda, and the public explanation cannot be questioned!

The only relevant questions for a litmus test for prospective appointees should be: 1) "Do you care enough about your community to serve the future citizens and inhabitants of this community (who are not present now), in an apolitical manner?" 2) "What do you know about the current comprehensive plan and the history of the city and county?" and, 3) "Are you willing to work for compliance with the extant plan, until such time as changes and revisions are made to the plan, through the required public process, and then, will you support the new plan?" The desired diversity of backgrounds and experiences could still result from these tests. Planning Commissioners who perceive themselves to have been seated to serve a particular constituency, political posture, or bias are ineffective advocates of the comprehensive planning process, and often cause the plan document to be worth less than the paper and ink of its presentation.

Lincoln and Lancaster County are most fortunate to have a hard-working, knowledgeable, and dedicated professional planning staff. But, this too did not just happen by accident – others before us knew the importance of high quality and professionalism in our planning efforts. The staff's advise, counsel, technical and administrative support, and their analyses of development proposals have been consistent, and in support of the existing tenants of the comprehensive plan, whichever version may have been current. They make the work of the commissioner both enjoyable and easy. I wish to thank them for their work during my tenure of almost eight years.

In summary, as a professional I am outraged, and as a citizen I am saddened and disappointed that the narrow objectives of a few individuals have damaged this community process. The actions and intransigence of the County Commission has politicized this Commission; by doing so, they have made it extremely difficult for each

Planning Commissioner to look at the comprehensive plan and proposals which come forward in an objective and comprehensive, apolitical posture. They have also made it difficult for any new broad minded, community oriented, and knowledgeable individuals to be appointed under the present circumstances. The tragedy of this hostage-holding theatrics is that they have elevated an ideological bias into the policy arena, that would have better remained at the project/planning table of negotiations.

It is therefore with deep regret, through my absolute conviction of the right to publicly protest this behavior, that I take the following action:

As of this moment, on November 26, 2003, I respectfully tender my resignation from the chair position and from membership on the Lincoln/Lancaster County Planning Commission.

W. Cecil Steward, FAIA